

Application No. 10/796,800
Paper Dated: July 7, 2005
In Reply to USPTO Correspondence of March 7, 2005
Attorney Docket No. 388-043647

AMENDMENT TO THE DRAWINGS

Please add the attached drawing sheet having new Figs. 13 and 14.

Attachment: New Drawing Sheet

REMARKS

Claims 1-11 are in the instant application; claims 5 and 11 are amended to more positively recite Applicants' patentably novel work-vehicle cabin; and claims 12-19 are added to set forth Applicants' patentably novel work-vehicle cabin in varying scope. No claims are allowed or indicated allowable.

The specification is objected to for failing to provide proper antecedent basis for the claimed subject matter. The Office Action alleges that there is insufficient antecedent basis for the limitations recited in claims 6 and 7 of "a plurality of ...being un-bonded."

The drawings are objected to under 37 CFR 1.83(a). The Office Action alleges that the limitations of claims 6 and 7 discussed above must be shown or the features canceled from the claims.

Applicants respectfully traverse the objection to the specification and to the drawings; however, to eliminate these issues, Applicants have amended the specification as follows. New Figs. 13 and 14 are submitted with this Amendment. The specification is amended at page 10 to add new Figs. 13 and 14 to the list of drawings, and at page 15 to discuss the features of the invention shown in new Figs. 13 and 14.

Support for new Figs. 13 and 14, and for the amendments to the specification, is found, among other places, in originally filed claims 6 and 7. Applicants respectfully submit that the amendments to the specification discussed above provide support for originally filed claims 6 and 7 without adding new subject matter. Based on the foregoing, Applicants respectfully request admission of the amendments to the specification and the drawings and withdrawal of the objections to the specification and the drawings.

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,721,031 to Nakata et al. (hereinafter also referred to as "Nakata") in view of Official Notice. The Office Action alleges that Nakata discloses the claimed invention, except Nakata fails to disclose the positional relationship of the evaporator and heater, and that it is probably more than likely that the evaporator of Nakata is arranged rearward of the heater, as claimed, considering the conventional nature of this arrangement. The Office Action concludes by alleging that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the evaporator of Nakata to be arranged rearward of the heater in order to provide a conventional well-known arrangement.

Applicants respectfully traverse the rejection of claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Nakata and request reconsideration thereof. Claims 2-4 are dependent on claim 1.

The Office Action alleges that it is more than likely that the evaporator of Nakata is arranged rearward of the heater as claimed. Applicants bring attention to the fact that claim 1 recites, among other things, a pair of forward air-supply openings provided in the ceiling portion and respectively disposed laterally of the heater for feeding conditioned air to the inside of the cabin. This feature, among others, is not disclosed in Nakata. Although Nakata discloses forward air-supply openings (unnumbered elements in Fig. 6 of Nakata), there is no disclosure of “a pair of forward air-supply openings provided in the ceiling portion and respectively disposed laterally of the heater”, as recited in Applicants’ claim 1.

Further, Nakata discloses an air-conditioner unit 30 having a heater function located rearward of the air-supply openings. Nakata does not appreciate the drawback of having the heater rearward of the air-supply openings and, therefore, cannot disclose the solution to the problem as recited in Applicants’ claims 1-4 (see page 3, lines 9-28 of Applicants’ specification).

Applicants acknowledge that Official Notice has been taken and notes that the Office Action alleges that to provide the evaporator of Nakata to be arranged rearward of the heater provides a conventional well-known arrangement. If such arrangements are well known, Applicants believe that some prior art should exist showing such a well-known arrangement. Applicants respectfully submit that since no prior art of a conventional arrangement is shown, the rejection of claims 1-4 based on Nakata in view of Official Notice was prompted by Applicants’ claims 1-4 and, as such, the rejection is made using hindsight.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Official Notice.

Claims 1-4 are also rejected under 35 U.S.C. § 102(e) as being clearly anticipated by U.S. Patent No. 6,780,097 B2 to Shuttleworth et al. (hereinafter also referred to as “Shuttleworth”). Applicants respectfully traverse the rejection of claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by Shuttleworth and request reconsideration thereof.

Claims 1-4 were discussed above.

Applicants' claim 1 recites, among other things, a pair of forward air-supply openings provided in the ceiling portion and respectively disposed laterally of the heater for feeding conditioned air to the inside of the cabin. Applicants have studied Shuttleworth and respectfully submit that there is no disclosure in Shuttleworth of "a pair of forward air-supply openings provided in the ceiling portion and respectively disposed laterally of the heater for feeding conditioned air to the inside of the cabin" and, therefore, Shuttleworth does not anticipate Applicants' claims 1-4.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by Shuttleworth.

Claims 5-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of U.S. Patent No. 5,499,947 to Tauber (hereinafter also referred to as "Tauber"). Applicants respectfully traverse the rejection of claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Tauber; however, to reduce the issues, claim 5, on which claims 6 and 7 are dependent, is amended to recite, among other things, a shielding portion which can be gaplessly attached to an opening edge of at least the air circulating opening and which is elastically deformable, the shielding portion having elasticity that allows the shielding portion to elastically deform when a door of the work-vehicle is opened and shut. Support for the amendments to claim 5 is found, among other places, on page 2, lines 8-19 and page 6, lines 9-24 of the specification. Based on the foregoing, Applicants respectfully request admittance of the amendments to claim 5 and reconsideration of claims 5-7.

The Office Action states that Nakata discloses the claimed invention, except for the shielding portion, and that it would have been obvious to one having ordinary skill in the art to provide the damper of Nakata with a hollow sealing section as taught by Tauber for its intended purpose.

Applicants respectfully submit that there is no discussion in Nakata and/or Tauber that would lead one skilled in the art to combine Nakata and Tauber. Further, Applicants respectfully submit that even if one skilled in the art were to combine Nakata and Tauber, the combination would not disclose the subject matter of claim 5. More particularly, at best, the combination of Nakata and Tauber would disclose the sealing damper of Tauber with the conditioning unit of Nakata. Claim 5, on the other hand, recites a shielding portion which can be gaplessly attached to an opening edge of at least the air circulating opening and

which is elastically deformable, the shielding portion having elasticity that allows the shielding portion to elastically deform when a door of the work-vehicle is opened and shut. Since Tauber does not disclose a damper having the elastic properties and features of the damper recited in Applicants' claim 5, the combination of Nakata and Tauber cannot disclose the claimed subject matter of claims 5-7.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Tauber.

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Tauber as applied to claim 5 above, and further in view of U.S. Patent No. 3,763,760 to Erickson (hereinafter also referred to as "Erickson"). Applicants respectfully traverse the rejection of claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Tauber as applied to claim 5 above, and further in view of Erickson, and request reconsideration thereof.

Claims 8 and 9 are dependent on claim 5. Claim 5, Nakata, and Tauber were discussed above. In the above discussion, Applicants have shown that the combination of Nakata and Tauber does not disclose the shielding portion of the switchover damper recited in claim 5. Erickson does not cure the defects of Nakata and Tauber and, therefore, claims 5, 8, and 9 are patentable over the combination of Nakata, Tauber, and Erickson.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Tauber as applied to claim 5 above, and further in view of Erickson.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shuttleworth. Applicants respectfully traverse the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shuttleworth; however, to eliminate this issue, claim 11 is amended.

Amended claim 11 recites a work-vehicle cabin having, among other things, an air-conditioning unit. The air-conditioning unit comprises a roof unit having a side edge extending in a fore and aft direction; a ceiling portion constituting a part of the roof unit; right and left side portions; windows provided at right and left side portions, the windows being openable to the outer side; an eaves portion formed as a lateral extension of the roof unit, the eaves portion projecting laterally with respect to the side edge for covering the windows from

above when the windows are opened; a heater provided in the ceiling portion; an evaporator provided in the ceiling portion; and a forward air-supply opening provided in the ceiling portion for feeding conditioned air to the inside of the cabin.

Support for the amendments to claim 11 is found, among other places, in Fig. 6 and the discussion on page 8, line 12 to page 9, line 17. Based on the foregoing, Applicants respectfully request admission of the amendments to claim 11 and consideration of amended claim 11.

Applicants respectfully submit that there is no disclosure in Nakata and Shuttleworth of a work cabin having an air-conditioning unit, the cabin having an eaves portion formed as a lateral extension of the unit and projecting laterally with respect to the side edge of the roof unit for covering the windows from above when the windows are opened.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Nakata in view of Shuttleworth.

Claims 5-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action states that claim 5 recites the limitation "the other member" in claim 5. To eliminate this issue, claim 5 has been amended as discussed above and the recitation of "the other member" is deleted from claim 5. Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 5-10 under 35 U.S.C. § 112, second paragraph, and request allowance of claims 1-11.

Claims 12-19 are added by this Amendment to set forth Applicants' patentably novel work-vehicle cabin in varying scope. Support for claims 12-19 is found, among other places, in the originally filed claims and drawings, e.g., Figs. 2, 3, 7, and 8. With particular attention to claims 16, 17, and 19, support is found in Fig. 7. More particularly and with reference to the attached copy of Fig. 7, there is shown that the fore and aft length of the shielding portion, as measured on Fig. 7, is approximately 2 centimeters (cm), and that the fore and aft length of the base portion, as measured in Fig. 7, is approximately 3.7 cm. The relatively large fore and aft dimensions of the shielding portion is to provide the shielding portion with the pressure release function as discussed in the specification and recited in amended claim 5.

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Claims 12-19 are directly or indirectly dependent on claim 5. The arguments put forth to patentably distinguish claim 5 over the art of record is applicable, among others, to patentably distinguish claims 12-19 over similar art.

Based on the foregoing, Applicants respectfully request admittance, consideration, and allowance of claims 12-19.

Conclusion

This Amendment is deemed to place the application in condition for allowance. In the event issues remain, the Examiner is invited to call the undersigned before further action is taken on the case.

Respectfully submitted,

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